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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/781,801

02/20/2004

Louis B. Rosenberg

IMMR-038/06US

5176

22903

7590

02/16/2005

COOLEY GODWARD LLP

ATTN: PATENT GROUP

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RESTON, VA 20190-5061

EXAMINER

WACHSMAN, HAL D

ART UNIT

PAPER NUMBER

2857

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/781,801

Applicant(s)

ROSENBERG ET AL. 

Examiner

Hal D. Wachsman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 November 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 61-78 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 61-68, 70-73, 75, 76 and 78 is/are rejected.
- 7) ☒ Claim(s) 69, 74 and 77 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11-5-04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

1. The Applicant's reply filed 11-5-04 deleted at page 36, line 23, of the specification "What is claimed is:" however no amendment was made to place this phrase on the first page of the claims above the first claim. MPEP 608.01(m) indicates that each claim must be the object of a sentence starting with "I (or we) claim," "The invention claimed is" (or the equivalent). Appropriate correction is required.
2. Claims 61-78 are objected to under 37 C.F.R. 1.75(a) for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The preamble of claim 61 cites "A device, comprising:" but a device for what exactly is being referred to here ? This same type of problem also occurs in the preamble of claim 72. Claim 61, line 10, cites "making a measurement" but making a measurement of what exactly is being referred to here ? Claim 64, lines 1-2, cite "the turntable defines a receptacle" however there is some ambiguity here as to how one physical object the turntable "defines" another physical object the receptacle. This same type of problem also occurs in claim 65, lines 1-2. Claim 71, line 3, cites "from data" however is this referring to sensor data ? Claim 72, line 11, cites "turntable configured receiving..." however was this intended to be "turntable configured to receive..." ? Claim 72, lines 18-19, cite "the *determination* of the three-dimensional geometry" which lacks clear antecedent basis. Claim 75, line 1, cites "of 73" which should be "of claim 73". The examiner asks the applicant to better claim the limitations cited above. While the examiner understands the intentions of the applicant he feels confusion could be drawn from the limitations cited above. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 61-68, 70-73, 75, 76 and 78 are rejected under 35 U.S.C. 102(b) as being anticipated by Baxter (5,209,131).

As per claim 61, Baxter (figure 19) discloses “a support base”. Baxter (Abstract, figures 19, 20, col. 24 lines 12-48, col. 28 lines 60-66) discloses “a turntable coupled to the support base and configured to rotate....measurements of a three-dimensional geometry of the object”. Baxter (figures 19, 20, col. 24 lines 32-60, col. 26 lines 52-57, col. 28 lines 62-66) discloses “a sensor coupled to the support base, the sensor configured to measure an angular rotation of the turntable....to determine the three-dimensional geometry of the object based on the measurement and the angular rotation”.

As per claim 62, Baxter (figures 19, 20) discloses the feature of this claim.

As per claim 63, Baxter (Abstract, figures 19, 20) discloses the feature of this claim.

As per claim 64, Baxter (figures 19, 20, col. 10 lines 19-29) discloses the feature of this claim.

As per claim 65, Baxter (figures 19, 20, col. 10 lines 19-29) discloses the feature of this claim.

As per claim 66, Baxter (see at least figure 19) discloses the feature of this claim.

As per claim 67, Baxter (figure 19, col. 2 lines 34-45) discloses the feature of this claim.

As per claim 68, Baxter (figures 19, 20, col. 10 lines 19-29, col. 24 lines 23-39) discloses the feature of this claim.

As per claim 70, Baxter (figure 19, col. 11 lines 2-4) discloses the feature of this claim.

As per claim 71, Baxter (see at least figure 20) discloses the feature of this claim.

As per claim 72, Baxter (Abstract, figures 19, 20, col. 3 lines 4-9, 17-20) discloses "an apparatus including at least one sensor configured to detect information...three-dimensional geometry...provide the information to a processor". Baxter (figure 19) discloses the rotary table with a base. Baxter (Abstract, figures 19, 20, col. 24 lines 12-48, col. 28 lines 60-66) discloses "a turntable coupled to the base and being configured to rotate about an axis...subsequent detections of the information associated with the three-dimensional geometry of the object". Baxter (figures 19, 20, col. 24 lines 32-60, col. 26 lines 52-57, col. 28 lines 62-66) discloses "a turntable sensor coupled to the base, the turntable sensor configured to measure a rotation of the

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turntable...the determination of the three-dimensional geometry being based on the turntable data”.

As per claim 73, Baxter (see at least figure 19) discloses the feature of this claim.

As per claim 75, Baxter (Abstract, figures 19, 20) discloses the feature of this claim.

As per claim 76, Baxter (figure 19, col. 2 lines 34-45) discloses the feature of this claim.

As per claim 78, Baxter (figures 19, 20, col. 10 lines 19-29) discloses the feature of this claim.

5. Claims 69, 74 and 77 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and subject to the appropriate correction of the 37 C.F.R. 1.75(a) objections noted in paragraph 2 above.

6. Applicant's arguments with respect to the claims rejected above have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hal D. Wachsman whose telephone number is 571-272-2225. The examiner can normally be reached on Monday to Friday 7:00 A.M. to 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 571-272-2216. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hal D Wachsman  
Primary Examiner  
Art Unit 2857

HW  
February 13, 2005